

## REMARKS

Claims 1 – 126 are pending in the application. Claims 1, 69, 109, 110, and 125 - 128 are currently amended.

### ***Claim Rejections – 35 USC 101***

Claims 1, and 125 – 128 are rejected under 35 USC 101. The claims have been amended to incorporate a processor and computer readable media as per the Examiner's suggestion.

### ***Claim Rejections – 35 USC 102***

The Examiner rejected Claims 1-4, 11, 17, 35, 37, 51, 56-65, 109-112, and 125 - 128 under 35 USC 102(e) as being anticipated by Kephart US Patent No. 6,732,149.

Favorable reconsideration of this rejection in view of the above amendments and the following explanations is respectfully requested.

Claim 1 has been amended to include the feature that the confidence level is incremented by each signature match.

Examiner states in his Response to Arguments that Kephard's mention of degree of match and Kephard's binary yes/no matching reads on to the previously claimed "confidence levels".

The present amendment distinguishes over both of these counts.

Kephard column 15 lines 7 – 13 teaches that if a signature is matched then *auxiliary information* is used to assess the degree of match. Kephard does not teach that a confidence level is incremented for each signature match. Furthermore binary yes/no results cannot be incremented.

The present claims thus define that both the match and the confidence levels come from the signatures. Kephard does not teach or hint at any way of doing this.

The same amendment has been made to each other independent claim, and these claims are thus believed to be allowable for the same reasons.

The dependent claims are believed to be allowable as being dependent on allowable main claims. The rejections against these claims are thus not argued separately.

All of the matters raised by the Examiner have been dealt with and are believed to have been overcome.

In view of the foregoing, it is respectfully submitted that all the claims now pending in the application are allowable. An early Notice of Allowance is therefore respectfully requested.

Respectfully submitted,



Martin D. Moynihan  
Registration No. 40,338

Date: June 19, 2008

Enclosures:

- Petition for Extension (One Month)